MYSORE DISTRICT.

NOTIFICATION FOR THE RESALE OF THE RIGHT OF COLLECTING TOLLS.

Notification No. D7. 2705—32-33, dated 1st July 1933.

The right to collect tolls at the toll-gates of Panchavalli, Periyapatna Sub-Taluk and Bandipur, Gundlupet Taluk, as noted in Schedules A and B from 1st August 1933 to 30th June 1934 will be sold by public auction in the Court Hall of the Deputy Commissioner's Office, Mysore, on Monday the 17th July 1933, at 3 P.M., as Mr. C. Basavaraj Urs, in whose name sales were confirmed, has committed default by not executing the required Mutchalikas and paying in advance two months' khist amounts.

2. Every person intending to bid at the sale should deposit beforehand Rs. 100 as shown in Schedule A as earnest money. The deposits of all the bidders except the first two or three, whose bids are to be recommended for acceptance will be returned at the close of the sale. The successful bidder, who will be called the contractor shall on confirmation of the sales, make a further deposit which together with the initial deposit made by him will be equal to two months' khists including cesses. This amount will be returned only on fulfilment of the contract. The deposit of the remaining bidders will be returned soon after the confirmation of the sale.

3. The sale will not become absolute until confirmed by the authority noted in Schedule A, who reserves the final power of refusing or accepting without assigning any reason whatever, the highest or any bid that may be offered.

4. The successful tenderer shall, within fifteen days of the receipt of intimation of confirmation of the sale in his favour, execute an agreement on a duly stamped paper binding himself and his heirs to observe the conditions hereinafter set forth and to be subject to the penalties, forfeiture and liabilities referred to therein and when he does not hold property in Mysore, shall furnish at least two sureties who own sufficient property in the Mysore State for the due performance of the contract and if he is a non-resident foreigner, he shall also be deemed to have agreed to submit himself to the jurisdiction of the Civil Courts in Mysore and to be bound by any decree, *ex parte* or otherwise, that may be passed against him by such Courts for any sums due in respect of the contract amount.

5. The contract shall not be transferred by sale, gift or otherwise or sub-lease without the previous sanction of the Deputy Commissioner.

6. The contract amount shall be paid in 12 equal monthly instalments in advance on the first day of every month into the Taluk Office. The contractor shall also pay along with the instalments the authorised Local, Railway and Educational Cesses, if any, at the prescribed rates.

7. Fees recovered from persons compounding the payment of toll in accordance with standing rules and orders approved by Government shall be kept at the credit of the contractor and adjusted towards the last instalment or instalments, as the case may be.

8. Interest at 9 per cent per annum shall be levied on all overdue amounts till date of payment.

9. The amount due from the contractor or his sureties shall be recoverable as if they were arrears of land revenue under the provisions of the Land Revenue Regulation and the rules thereunder.

10. The contractor shall collect tolls only at the rates and at the gates on the traffic specified in the Schedules A and B. In case it is found necessary to prevent evasion of payment, check gates may be opened with the approval of Government within a mile on either side of the gates.

11. The contractor shall give to the persons paying the toll a proper receipt showing the date and hour of payment of toll.

12. The contractor shall keep at the toll-gate true accounts of the daily collections and of the traffic passing through the toll-gate. These accounts shall be open to the inspection of the Deputy Commissioner, the Sub-Division Assistant Commissioner, and the Amildar. He shall, if required by the Deputy Commissioner, furnish to the Taluk Office at the end of every month, a true return for the month showing the traffic passing through the gate in a prescribed form.

13. The contractor will have the use of the existing toll house and gate without payment of any rent and he should keep them in good repair, failing which the cost of repair will be recovered from the contractor.

14. The contractor shall not be entitled to any remission of the contract amount or to any compensation on account of seasonal conditions or any other cause whatever.

15. The contractor and his employees shall always behave courteously towards the travelling public and shall not harass them or give them trouble of any kind and he shall maintain at the toll-gate a book, wherein travellers may record complaints and forward true extracts thereof once a week to the Amildar.

16. The contractor shall confirm generally to the rules published in the late Chief Commissioner's Notification No. 274, dated 4th November 1876, as revised from time to time. He shall recognise all exemptions made by the statute or rules in force for the time being. He shall pay special attention to the points mentioned in Schedule C.

17. Any breach of the above conditions or rules on the part of the contractor or his servants will entail the forfeiture of the deposit or the levy of a fine not exceeding Rs. 50 for each infringement. If the fine be not paid or in the event of instalments or other sums due not being paid within the prescribed date, it shall be competent to the Deputy Commissioner to suspend further collection of toll by the contractor and dispose of the right to collect the toll during the remaining period by a resale or otherwise. The resale will be held at the risk of the defaulting contractor, who shall be liable to make good all losses accruing, but shall not be entitled to any profits arising from the resale.

Note.—Sub-Division Assistant Commissioners are also empowered to punish the contractor or his servants for any breach of the above conditions or rules either by the levy of fine or by a forfeiture of the deposit. But the power to suspend the collection of toll as well as the right to order its resale shall be reserved to the Deputy Commissioner.

18. The imposition of fine or resale of the contract shall be no bar to the prosecution of the contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being.

19. The contractor should arrange at his own cost for the provision of 'danger lights' 100 yards off on either side of toll-gates.

20. Bidders shall abide by the conditions of the sale set out below which shall be deemed to form part of this notification.

CONDITIONS OF SALE.

1. Persons intending to bid at the sale must attend in person or by a duly accredited agent.

2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount of the bid or as to the bidder, the right to collect tolls at the toll-gate concerned shall at once be again put up to auction.

3. The officer conducting the sale shall not be bound to accept all bids as a matter of course; it shall be in his discretion to decline the acceptance of the highest bid or any bid whatever.

4. It shall be in the discretion of the officer conducting the sale to adjourn it to a date and hour specified by him.

SCHEDULE "A".

Name of the Toll-Gate or Bridge.	Situation of the gate	Whether toll is leviable on through traffic, in-coming or out going traffic	Traffic specially exempted from the payment of tolls on account of the peculiar situation or special requirements of the people near the gate	Amount of deposit required	Place of sale	Date of sale and hour	Officer conducting the sale	Officer confirming the sale
1. Bangalore-Nilgiri Road	Bandipur, Gundlupet Taluk.	In-coming and out-going	...	Rs. 100	Court Hall of the Deputy Commissioner's Office, Mysore District.	The sales will be held at 3 p.m. (on the 17th July 1933) and on the succeeding day, if necessary.	Deputy Commissioner.	Revenue Commissioner
2. Madras-Cannanoor Road	Panchavalli, Periyapatna Sub-Taluk.		...					

SCHEDULE 'B.'

MAXIMUM RATES OF TOLLS.

Schedule of the Maximum Rates of Tolls.

		Rs.	a.	p.
1.	(*a*) On every four-wheeled motor vehicle constructed to carry less than ten persons	1	0	0
	(Composite fee in respect of the above) per annum	200	0	0
	(*b*) On every other four-wheeled motor vehicle ..	2	0	0
	(Composite fee in respect of the above) per annum	400	0	0
	Do do half yearly	200	0	0
2.	On motor cycles with or without side car	0	4	0

		Rs.	a.	p.
3.	On every four-wheeled carriage	0	8	0
4.	Do two-wheeled carriage on springs, other than a jatka or ekka	0	4	0
5.	Do ekka or jatka laden	0	2	0
6.	Do do unladen	0	1	0
7.	On every other vehicle with springs including tricycle ...	0	2	0
8.	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
9.	Do do do if not laden...	0	8	0
10.	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden..	0	8	0
11.	Do do do if not laden...	0	4	0
12.	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	6	0
13.	Do do do if not laden...	0	3	0
14.	Do cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses ormules, if laden	0	4	0
15.	Do do do if not laden...	0	2	0
16.	Do cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden ...	0	2	0
17.	Do do do if not laden...	0	1	0
18.	Do cattle passing out of Mysore to neighbouring British Provinces for or by way of sale (in the State gates only.)	0	0	6

Note 1.—Toll on laden carts at the following Frontier State Fund Toll-gates will be double the rates prescribed in Schedule B published in the said Notification :—

(1) Sivasamudram
(2) Hasnur Ghat
(3) Bandipur
(4) Muleholey
(5) Kakankote
(6) Panchavalli
(7) Periyapatna

(*Vide* G. O. No. R. 4903-14—R. M. 28-32-2, dated 25th March 1932).

SCHEDULE IN REGARD TO THE TOLL-GATE ESTABLISHED ON THE WELLESLEY BRIDGE NEAR SERINGAPATAM.

Vide Government Notification No. R. 9934—R. M. 9-27, dated 28th June 1932.

		Rs.	a.	p.
1.	(*a*) On every four-wheeled motor vehicle constructed to carry less than ten persons	1	0	0
	(Composite fee in respect of the above per annum) ...	200	0	0
	(*b*) On every other four-wheeled motor vehicle	2	0	0
	(Composite fee in respect of the above) per annum	400	0	0
	Do do half yearly ...	200	0	0
2.	On motor cycles with or without side car	0	4	0
3.	On every four-wheeled carriage	0	8	0
4.	Do two-wheeled carriage on springs other than a jatka or ekka	0	4	0
5.	Do ekka or jatka, laden	0	2	0
6.	Do do unladen	0	1	0
7	Do other vehicle on springs including tricycle ...	0	2	0

Note.—Paschimavahini toll-gate will have the same schedule of rates as Wellesley Bridge toll-gate near Seringapatam.

Note 2.—Collection of single composite fee is allowed in cases where any one of the several buses reserved for a particular road makes the journey each way any day (*Vide* Order No. R. 4202-3—R. M. 10-32-7, dated the 17th February 1933).

SCHEDULE C.

RULES RELATING TO TOLLS ON STATE FUND ROADS AS IN FORCE FOR THE TIME BEING.

(*a*) A table of authorised toll shall be legibly written in English and Kannada and shall be put up in a conspicuous place near the toll-gate together with a copy of these rules.

(*b*) (1) No more than one payment of toll shall be demanded at any one toll bar, gate or station in respect of any carriage or cart in any one period of 24 hours.

(2) No toll should be levied at a frontier toll-gate in Mysore on any cart, etc., passing the gate, if within a period of 24 hours a toll has been collected thereon at a British toll-gate in respect of which reciprocity has been obtained in consultation with the British Authorities.

(*c*) Carts laden with manure or other substance used as manure shall be exempt from payment of toll at all the interior toll-gates and shall pay at the rate prescribed for unladen carts at all frontier toll-gates; provided that no toll shall be levied on carts belonging to agriculturists residing within five miles of the toll-gates when such carts are carrying manure, implements, seeds, or agricultural produce to and from their fields and when they return unladen.

Note.—Any claim for exemption under this rule shall be supported by a certificate signed by the Patel or Chairman of the Village Panchayet of the village to which the cart belongs.

(*d*) No toll shall be levied on foot-passengers.

(*e*) No toll shall be levied for the passage of troops, or military stores, or equipages or of police officers in uniform on duty or of any person or property in their custody or of any property *bona fide* belonging to Government or the Palace, the proof of which should be established by the production of a pass or certificate from any officer of the Department to which the property belongs, such officer being duly authorised by the Deputy Commissioner or by Government to grant such certificates or passes. Such pass or certificate should be delivered up at the last toll-gate passed by the cart, or carriage conveying such property before it reaches the destination noted in such pass or certificate.

(*f*) No toll shall be levied for the passage of carriages or carts, etc., at any toll-gate if they belong to a Local Board or Municipal Council, the proof of which is to be established by the production of a certificate signed by the President of such body, or by such officer as may be authorised by the Government.

(*g*) No toll shall be levied for the passage of carriages, or carts, etc., if—

(1) they belong to His Highness the Maharaja, or His Highness the Yuvaraja;

(2) they belong to the Hon'ble the British Resident in Mysore and his staff, namely, the Secretary to the Resident, the Residency Surgeon and the Personal Assistant to the Resident;

(3) they belong to the Dewan of Mysore;

(4) they are engaged by the Postal Department exclusively to carry mails;

(5) they belong to a person who has compounded with the proper authorities in accordance with the rules framed by Government;

(6) they convey British or Mysore Military Officers on duty;

(7) the Superintendent, Government House, issues passes for vehicles belonging to Government House.

To entitle an officer to pass a toll-gate without payment as being "on duty," he must fulfil at least one of the following conditions:—

(i) be travelling in a staff car;

(ii) wear uniform;

(iii) to be in possession of toll pass issued by Headquarters, Madras District or the Chief Commandant, Mysore State Troops, as the case may be.

(8) they belong to the Heads of Mutts who hold a Rahadari issued by a competent authority.

(9) they belong to officers and subordinates of the Public Works Department, below the grade of Executive Engineers, who travel on duty within their jurisdiction.

(*h*) No toll shall be levied on any conveyances used for ambulance purposes.

(10) All bullock carts except those that carry timber for commercial purposes shall be exempted from payment of toll of all the interior Provincial Road Toll-gates established in the State since 13th January 1928.

(*i*) No toll shall be levied on the Ford Car used by Public Health Department, the which should be established by the production of a pass or a certificate issued by the of Health or such officer as may be duly authorised in this behalf.

C. S. KUPPUSWAMI IYENGAR,
Deputy Commissioner.